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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,708	09/24/2001	Ralph Sperschneider	3219	2693

7590 06/15/2006

DOUGHERTY, CLEMENTS & HOFER
The Roxborough Building
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Charlotte, NC 28211

EXAMINER

VO, HUYEN X

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/913,708	SPERSCHNEIDER ET AL.	
	Examiner	Art Unit	
	Huyen X. Vo	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/01 & 8/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Claims 1-11 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/2/2006.

Claim Objections

2. Claims 16-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 16-17 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12-15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai et al. (US 5852469).
5. Regarding claims 12 and 19, Nagai et al. disclose an apparatus and method for reading a data stream which comprises two reference points, starting from which at

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least part of a code word is written in a first or second writing direction, the apparatus comprising the following: a first apparatus for reading, starting from the first reference point, in a first direction of reading which corresponds to the first direction of writing (*element 107 reads data in forward direction*); and a second device for reading, starting from the second reference point, in a second direction of reading which is opposite to the first direction of reading (*element 108 reads data in backward direction*).

6. Regarding claim 13, Nagai et al. further disclose an apparatus as claimed in claim 12, wherein the data stream comprises a multitude of raster points as reference points, the raster points specifying a raster, two adjacent raster points defining a segment (*referring to figure 6*), wherein the data stream comprises a plurality of sets of code words, a first set of code words being written in the first direction and a second set of code words being written in a second direction, the code words of the second set being assigned to segments of the data stream in accordance with a predetermined assignment rule, such that each code word of a set is assigned to a different segment (*referring to figures 6 and 9*), the apparatus further comprising the following: a control device for supplying the code words of the first set to the first writing device, the code word of the first set starting at a raster point, and for supplying the code words of the second set to the second reading device, wherein, in accordance with the predetermined assignment rule, one jumps to corresponding raster points, wherein it is verified, if no code word is found at a reference point, whether code words of the second set are present at corresponding raster points in accordance with the

assignment rule and wherein, after all code words of the second set have been read, one jumps to a different raster point in accordance with the predetermined rule, in order to obtain all code words of the second set completely (*col. 25, line 31 to col. 26, line 33*).

7. Regarding claim 14, Nagai et al. further disclose an apparatus as claimed in claim 13, wherein, if only one starting section of a code word is read by a writing device in one segment, this starting section is stored (*col. 25, line 31 to col. 26, line 33*).

8. Regarding claim 15, Nagai et al. further disclose the apparatus as claimed in any of the preceding claims, wherein the code words are Humnan code words (*col. 4, lines 1-20*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV

6/12/2006



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER